

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LUNGREN, JR.,

Defendant.

No. 10-CR-4048-DEO

**ORDER
ACCEPTING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

On May 20, 2010, a one count Indictment (Docket No. 2) was returned in the above-referenced case.

Count 1 of the Indictment charges that on or about May 19, 2010, in the Northern District of Iowa, Defendant Michael Lungren, Jr., did knowingly and intentionally possess with the intent to distribute 5 grams or more of actual (pure) methamphetamine, a Schedule II controlled substance.

This was in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

On August 9, 2010, defendant Michael Lungren, Jr., appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Count 1 of the Indictment. In the Report and Recommendation (Docket No. 32, 08/09/2010), Chief United States Magistrate Judge Paul A. Zoss

recommends that defendant Michael Lungren, Jr.'s guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review to accept defendant Michael Lungren, Jr.'s plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district

judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Chief Magistrate Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss's Report and Recommendation (Docket No. 32), and accepts defendant Michael Lungren, Jr.'s plea of guilty in this case to Count 1 of the Indictment (Docket No. 2).

IT IS SO ORDERED this 24th day of August, 2010.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa